

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>DECATUR TELEPHONE COMPANY</b>	)	
	)	<b>CC Docket No. 96-45</b>
<b>Petition for Waiver of the Section 54.904(d)</b>	)	
<b>Interstate Common Line Support</b>	)	
<b>Self-Certification Filing Deadline</b>	)	

**To: Chief, Wireline Competition Bureau**

**PETITION FOR WAIVER**

**Decatur Telephone Company**

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Its Attorneys

August 23, 2007

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## **Summary**

Decatur Telephone Company (“Decatur” or the “Company”), pursuant to Section 1.3 of the Rules of the Federal Communications Commission (the “Commission” or the “FCC”), hereby requests a waiver, to the extent necessary, of Section 54.904(d) of the FCC’s Rules to reflect acceptance of its Interstate Common Line Support (“ICLS”) self-certification effective June 30, 2007. Although the Company used the U.S. Mail to send its ICLS certification (the “2007 Certification”) to the Commission and the Universal Service Administrative Company (“USAC”) on June 15, 2007, USAC has indicated that the Company’s 2007 Certification has not been received.

The facts provided in the Petition demonstrate that the reliance by Decatur on the U.S. mail was not negligent or careless, nor was the Company forgetful of its obligation to make the 2007 Certification submission by June 30, 2007. Moreover, the Company has now changed its practice to use either overnight delivery service or hand-delivery of its future ICLS certifications.

Based on the facts and circumstances reflected herein, Decatur respectfully submits that a grant of this waiver is proper and will serve the public interest. A grant of the waiver will enable Decatur to receive ICLS disbursements for the 12 month period covered by the 2007 Certification consistent with the statutory goal of preserving and advancing universal service for the rural customers served by Decatur and, Decatur submits, no harm will be experienced by any carrier. Accordingly, Decatur respectfully requests that the Commission grant this request and accept Decatur’s 2007 ICLS Certification effective June 30, 2007.

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<b>Self-Certification Filing Deadline</b>	)	

**To: Chief, Wireline Competition Bureau**

**PETITION FOR WAIVER**

Decatur Telephone Company ("Decatur" or the "Company"), pursuant to Section 1.3 of the Rules of the Federal Communications Commission (the "Commission" or the "FCC"),<sup>1</sup> hereby requests a waiver, to the extent necessary, of Section 54.904(d) of the FCC's Rules to reflect acceptance of its Interstate Common Line Support ("ICLS") self-certification effective June 30, 2007.<sup>2</sup> For the reasons stated herein, a grant of Decatur's request for waiver of the June 30<sup>th</sup> filing deadline for its June, 2007 ICLS certification will serve the public interest.

**I. SUMMARY**

On June 15, 2007, Decatur executed and transmitted, via U.S. Postal Service and in good faith, the necessary ICLS certification (the "2007 Certification") to the Commission and the Universal Service Administrative Company ("USAC") required for the Company to receive its ICLS disbursements for the period July 1, 2007 through June 30, 2008. On that same day, Decatur also faxed the 2007 Certification to the National Exchange Carrier Association, Inc.

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> See 47 C.F.R. §§ 54.904(a) and (d).

("NECA"). However, the Company subsequently learned on July 25, 2007, as a result of a contact from a manager in the NECA Southern Region office, that there was a question regarding receipt of the 2007 Certification by the Commission and USAC. Decatur has now learned from USAC that it did not receive the 2007 Certification even though the Company mailed the document more than two (2) weeks before the June 30<sup>th</sup> deadline for its submission.

Decatur, a small incumbent rural telephone company operating in the State of Mississippi, relies upon its ICLS disbursements as part of its overall revenue recovery and rate design and uses such funds to maintain universal service in the rural areas that Decatur serves. Absent a waiver of the June 30<sup>th</sup> deadline as requested herein, these results would not be fully achieved, a consequence that is contrary to the public interest. As the facts demonstrate, reliance by Decatur on the U.S. mail was not negligent or careless, nor was the Company forgetful of its obligation to make the 2007 Certification submission by June 30, 2007. Moreover, the Company has now changed its practice to use either overnight delivery service or hand-delivery of its future ICLS certifications. Thus, waiver of the June 30<sup>th</sup> deadline for the submission by Decatur of its 2007 Certification should be granted.

The Company understands from USAC that it will accept the resubmission of the 2007 Certification effective October 1, 2007, thereby making Decatur eligible for its ICLS disbursements from January 1, 2008 through June 30, 2008. However, such action would still eliminate six (6) months of ICLS disbursements to Decatur or approximately \$57,276.00 (\$9,546 x 6 months). If USAC's information regarding a partial year recovery (January 1, 2008 through June 30, 2008) is in error, the amount at issue for the Company could be the full amount reflected

in Attachment A -- \$114,547.00. Accordingly, for the reasons stated herein, Decatur respectfully submits that an expedited grant of this request would serve the public interest by allowing the disbursement to the Company of ICLS for the full year – July 1, 2007 through June 30, 2008.

## **II. BACKGROUND**

### **A. Status of Company**

Decatur is a small incumbent telephone company operating approximately 1,850 access lines in predominately rural areas in portions of Newtown County in east central Mississippi. Decatur is a “rural telephone company” as that term is defined under the Communications Act of 1934, as amended.<sup>3</sup> In addition, Decatur is an issuing carrier of the NECA Tariff F.C.C. No. 5,<sup>4</sup> and receives its interstate settlements based on Commission-approved average schedules.

As part of its participation in the NECA pooling process,<sup>5</sup> the information required of Decatur for its ICLS disbursements for the full year July 1, 2007 through June 30, 2008 was provided to USAC by NECA. Once this process was completed, NECA sent a copy of that information to Decatur for its records. Decatur understands that USAC then calculated the ICLS amount that Decatur would receive and conveyed that information to NECA. NECA, in turn,

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<sup>3</sup> See 47 U.S.C. § 153(37). For example, Decatur provides “telephone exchange service, including exchange access, to fewer than 50,000 access lines.” 47 U.S.C. § 153(37)(B).

<sup>4</sup> See 47 C.F.R. § 69.3(d).

<sup>5</sup> See, e.g., *In the matter of Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Federal-State Joint Board on Universal Service, Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation, Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers: Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, CC Docket Nos. 00-256, 96-45, 98-77, 98-166, 16 FCC Rcd 19613 (2001) (the “MAG Order”) at 19624.*

communicated this information to Decatur. Attachment A contains the information for the July 1, 2007 to June 30, 2008 period applicable to the Company's 2007 Certification.

In order to be eligible for ICLS, small rural incumbent telephone companies like Decatur are required to make an annual filing certifying that all ICLS provided to the carrier will "be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."<sup>6</sup> With the exception of a carrier's first certification (which is filed when the carrier files its line count information for the very first time), the annual certification must be filed on June 30<sup>th</sup> of each year with the Commission and USAC.<sup>7</sup>

**B. The June 15, 2007 ICLS Certification Submission**

Decatur's Vice-President, Dr. Esther B. Smith, Ph.D., executed Decatur's 2007 Certification on June 15, 2007. On that date, consistent with the Company's standard mailing practice, Dr. Smith directed her colleague, Carla Clarke, to mail the 2007 Certification to the Commission and USAC.<sup>8</sup> Ms. Clarke made these mailings using Decatur's normal business practice for documents of this type, which included ensuring that a file copy of the document was made, and overseeing and ensuring that the item to be mailed was properly addressed, stamped, and placed in the out-going mail. Ms. Clarke subsequently delivered the items to the local main post office in Decatur, Mississippi. This practice was undertaken in good faith, and was essentially the same used by Decatur for its prior ICLS certifications, including those made in

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<sup>6</sup> 47 C.F.R. § 54.904(a).

<sup>7</sup> 47 C.F.R. § 59.904(d).

<sup>8</sup> Attached hereto are the declarations of Dr. Smith and Carla Clarke, attesting to the facts and circumstances within their knowledge surrounding the submission of the 2007 Certification. See Attachment B.

years 2003 through 2006. USAC's web page confirms receipts of these mailings in each of these years. See Attachment C. On June 15, 2007, Dr. Smith also faxed to NECA a copy of the 2007 Certification that was mailed to USAC and the Commission.<sup>9</sup>

On June 29, 2007, just prior to the 2007 Certification deadline, an e-mail was sent to Dr. Smith by USAC, informing her as follows:

As of the time of this mailing, USAC has not yet received certification for a study area for which you are listed as a contact. *If you've already submitted it and it is en route, please disregard this message.* You may fax a copy in before the deadline, but please follow up with an original, signed copy to the addresses below. The fax number is 202 776 0080.

Regards, High Cost Program Management

See Attachment E (emphasis added). Unfortunately, Ms. Smith did not receive the e-mail in time to re-submit the 2007 Certification to USAC before the submission deadline, as she was on vacation out of state from June 28, 2007 until July 8, 2007. Dr. Smith does not routinely, and in this instance did not, travel with a portable computer. The Company first learned of a possible problem when notified by an account manager in the NECA Southern Region office on Wednesday, July 25, 2007.

In an effort to verify receipt, Decatur immediately began the process of verifying the underlying facts. To date, all searches have been unable to verify that the Commission or USAC received the original 2007 Certification mailed June 15, 2007. Not being able to verify receipt by

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<sup>9</sup> The stamp-received notification from NECA of the Company's facsimile is provided as Attachment D. As noted herein, NECA functions as a clearinghouse for the receipt and disbursements of ICLS for its pool participants since, as the Commission is aware, the recovery from the ICLS was formerly achieved through the interstate Carrier Common Line rates included in the NECA tariff. See generally *MAG Order*, 16 FCC Rcd at 19667-19688.



USAC, Decatur resubmitted its 2007 Certification to the Commission and to USAC on July 27, 2007. *See* Attachment F.

Decatur understands that its settlements from NECA will not reflect the disbursement of ICLS funds to it until this waiver request is approved. Thus, Decatur will not be receiving its full interstate recovery for that portion of the local loop investment that ICLS reflects and for which ICLS disbursements will not be received. However, in a manner fully consistent with its 2007 Certification, Decatur would utilize these funds for the provision, maintenance and upgrading of facilities and services for which its ICLS disbursements are intended.<sup>10</sup>

### **III. A GRANT OF THIS PETITION SERVES THE PUBLIC INTEREST**

Pursuant to Section 1.3 of the Commission's Rules, the Commission may grant a waiver of the application of any of its rules for "good cause shown."<sup>11</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>12</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>13</sup> Waiver of the Commission's rules is therefore appropriate if special circumstances warrant a deviation from the general rule, and if such deviation will serve the public interest.

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<sup>10</sup> *See* 47 U.S.C. § 254(e).

<sup>11</sup> 47 C.F.R. §1.3.

<sup>12</sup> *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

<sup>13</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular* at 1166.

Decatur respectfully submits that these factors apply to the circumstances confronting it and the effect that will be experienced absent an expedited grant of this request. As the facts demonstrate, Decatur did not, based on its experience, act negligently, carelessly or with forgetfulness of its obligations to submit its 2007 Certification by using U.S. Mail. Rather, Decatur followed the very practice of using the U.S. Mail for submission of its 2007 Certification that was successfully used for the past several years. Thus, strict application of the June 30<sup>th</sup> deadline for submission of the 2007 Certification would be contrary to the public interest, particularly where Decatur submitted its 2007 Certification for filing by U.S. Mail in a timely manner following its normal mailing practice; a fact that is corroborated independently by the fact that Decatur also faxed its 2007 Certification to NECA on the very same day as the mailing. Further, allowing Decatur to receive ICLS during the entire 12 month period covered by the 2007 Certification (*i.e.*, July 1, 2007 through June 30, 2008) will not cause any harm or burden to any other party.

**A. ICLS Represents Significant Recovery for the Company**

ICLS represents specifically allocated interstate recovery that is representative of the portion of Decatur's loop investment used by interstate service providers to originate and terminate their interstate services in the rural area of Mississippi that Decatur serves.<sup>14</sup> ICLS contributes significantly to Decatur's financial ability to provision, upgrade, and maintain its facilities. Decatur's ICLS in 2006 was \$125,301.00 or \$64.52 annually per line or \$5.38 per-line per-month. The Company's anticipated ICLS for the current recovery period – July 1, 2007 to

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<sup>14</sup> See *MAG Order*, 16 FCC Rcd at 19668, 19682; see also 47 C.F.R. §54.901(a) ("Interstate Common Line Support available to rate-of-return carrier shall equal the Common Line Revenue Requirement per Study Area as calculated in accordance with part 69 of this Chapter.")

June 30, 2008 – is anticipated to be \$114,547.00 or approximately \$60.48 annually per line or approximately \$5.04 per-line per-month. Absent a grant of this waiver, this revenue will be foregone from the interstate jurisdiction since the Company is not aware of any specific provision within the rule that permits an interstate average schedule company to recover this revenue from its Subscriber Line Charges or from other universal service mechanisms.

The resulting under-recovery -- which is explicitly contrary to the public interest and the thrust of providing universal service in rural areas of the country -- would delay Decatur's plans for capital expenditures and network improvements if ICLS disbursements were not available to it. Therefore, absent a grant of this request, the uncertainty associated with the level of ICLS disbursements that Decatur can expect to receive will not serve the public interest.

**B. Reliance on the U.S. Mail Coupled with a  
Change in Decatur's Practices Justifies this Waiver**

Based on the circumstances presented, Decatur's good faith reliance on U.S. Mail for the filing of its Certification with the Commission and USAC was entirely reasonable. Decatur had used the U.S. Mail in the years 2003-2006, and those filings had been received by USAC. *See* Attachment C. The Company had no reason to believe or to expect that the 2007 Certification would not similarly be received on a timely basis, particularly since it was sent 15 days prior to the June 30, 2007 deadline, which in fact was extended to July 2, 2007 because of a weekend due date. *See* Attachment E. As USAC's records reflected in Attachment C demonstrate, in each of the years 2003 through 2006, the fifteen (15) days advanced filing time period was more than sufficient for that year's ICLS certification to be received.

<u>Year</u>	<u>Date ICLS certification was signed and mailed</u>	<u>Date USAC shows certification was received</u>	<u>Number of Days</u>
2003	June 16, 2003	June 20, 2003	4
2004	June 2, 2004	June 16, 2004	14
2005	June 21, 2005	June 30, 2005	9
2006	June 1, 2006	June 6, 2006	5

Accordingly, Decatur had every expectation that this same result would occur when it mailed the 2007 Certification in mid-June 2007.

As has already been recognized by the Commission, Decatur's reliance on the U.S. Mail was entirely reasonable.<sup>15</sup> Specifically, the Commission has acknowledged that it will accept evidence regarding mailing as "acceptable proof"<sup>16</sup> that the document was, in fact, sent. With regard to such "evidence," the Commission has relied upon a Ninth Circuit decision holding that

<sup>15</sup> The Company understands that the Commission has expressed "doubt" that, given alternative procedures provided by USAC, the failure of USAC to receive U.S. mailed ICLS certifications would be considered "special circumstances" in the future necessary to justify a waiver. *See In the Matter of Federal-State Joint Board on Universal Service, Benton/Linn Wireless, LLC Petition for Waiver of Section 54.307(c) of the Commission's Rules, et al., Order*, CC Docket No. 96-45, released November 29, 2005 (the "*Benton/Linn Order*") at para. 20. While the Company has now adopted a policy of either using an overnight delivery service or hand-delivering the ICLS certification to avoid the instant situation in the future, the Company understands that USAC still requires an "original" signature of an ICLS certification. Thus, the use of email and facsimile as noted by the Commission (*see id.*) would still be of no avail. In any event, based on the specific circumstances described herein and the hardship to the Company, the Company respectfully submits that the Commission's anticipatory statements in the *Benton/Linn Order* not be applied here. Moreover, in at least one instance since the issuance of the *Benton/Linn Order*, the Commission has granted waivers of federal Universal Service Fund ("USF")-related submissions that were mailed but not received as of the applicable deadline. *See In the Matter of Federal-State Joint Board on Universal Service, SouthEast Telephone, Inc. Expedited Petition for Waiver of Deadlines in Sections 54.307(c)(2) and 54.802(a) of the Commission's Rules, et al., Order*, CC Docket No. 96-45, DA 06-1860, released September 12, 2006 ("*SouthEast Order*") at paras. 4-5, 9-10. While the factual circumstances identified herein are not exactly the same as those addressed in this decision, Decatur notes that the "doubt" that the FCC expressed in the *Benton/Linn Order* was not reflected in the *SouthEast Order* even though substantially the same language regarding the filing options with USAC were noted. *Compare Benton/Linn Order* at para. 20 and *Southeast Order* at para. 12.

<sup>16</sup> *Communications Vending Corporation of Arizona, Inc., et al. v. Citizens Communications Company f/k/a Citizens Utilities Company and Citizens Telecommunications Company d/b/a Citizens Telecom, et al.: Memorandum Opinion and Order*, File Nos. EB-02-MD-018-030, FCC 02-314, 17 FCC Rcd 24201 (2002) ("*Communications Vending*") at 24229, citing *Legille v. Dann*, 544 F.2d 1, 4 (D.C. Cir. 1976).

a sworn statement is credible evidence of mailing.<sup>17</sup> In so ruling, the Commission also cited with approval the District of Columbia Circuit's statement that "proof that mail matter is properly addressed, stamped [and] deposited in an appropriate receptacle has long been accepted as evidence of delivery to the addressee."<sup>18</sup> Application of these very same principles to Decatur's circumstances is reasonable and appropriate.

The declaration of Carla Clarke verifies the steps taken in mailing the 2007 Certification on June 15, 2007. Attachment D reflects the fact that the 2007 Certification was faxed on that same day to NECA. These facts are fully consistent with the proof found acceptable by the Commission previously. Consequently, application of the principles of *Communications Vending* is entirely appropriate here. The effect of not granting this waiver – the elimination of the full ICLS recovery by Decatur -- would be contrary to the public interest.

Moreover, Decatur respectfully submits that the USAC notification received by Dr. Smith does not disturb this result. As the facts reflect, Dr. Smith had left on vacation the day prior to the USAC email. USAC did not follow-up with any other method of communication that would have informed the Company of what USAC contended was a lack of receipt of Decatur's 2007 Certification, and the mailing of the 2007 Certification at least 15 days in advance of the deadline was, in the Company's experience noted above, more than sufficient. Therefore, there would have been no reason for Dr. Smith to expect any issue with the acceptance by USAC of Decatur's 2007 Certification by the June 30<sup>th</sup> deadline. Even if USAC's message was received and reviewed on the day it was sent, the review of the USAC email would not have meant that any

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<sup>17</sup> *Id.*, citing *Schikore v. BankAmerica Supplemental Retirement Plan*, 269 F.3d 956, 964 (9<sup>th</sup> Cir. 2001).

<sup>18</sup> *Communications Vending* citing *Legille v. Dann*, 544 F.2d 1, 4 (D.C. Cir. 1976).

action was required by Decatur. As USAC indicated in its June 29<sup>th</sup> message, “If you’ve already submitted it and it is en route, please disregard this message.” Attachment E. Dr. Smith and Ms. Clarke had already taken the steps necessary to submit Decatur’s 2007 Certification – execution and mailing of it on June 15, 2007. Therefore, USAC’s email message cannot and should not be used to suggest that the Company’s requested waiver should not be granted.

**C. Denial of this Waiver will not Burden or Harm any Carrier**

Denial of ICLS to Decatur in a case in which it undertook reasonable, good faith efforts to ensure timely compliance with the filing deadline would subject Decatur to the burdens associated with denial of the ICLS disbursement. Further, Decatur believes that a grant of this waiver request can be easily accommodated by USAC, without burden to any other carrier, within the existing universal service process, particularly since Decatur has acted promptly to effect a resolution of the situation.

Specifically, Decatur filed its line-count and other projected data necessary to calculate its prospective ICLS timely,<sup>19</sup> and that information was received by USAC. *See* Attachment A. In light of its line count and projections submission in March of 2007, Decatur fully anticipates that its projected ICLS disbursement level for the 12 month period ending June 30, 2008 was included in USAC’s calculations of the fund size and contributions levels for the period at issue.<sup>20</sup> Therefore, no carrier would be harmed by the grant of this waiver nor would the size of

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<sup>19</sup> *See generally* 47 C.F.R. § 54.903.

<sup>20</sup> *Compare* 47 C.F.R. §54.903(a)(3)(Rate of return carrier submission required of “projected data necessary to calculate the carrier’s prospective Interstate Common Line Support, including common line cost and revenue data, for each of its study areas in the upcoming funding year”) *and* 47 C.F.R. §§54.903(b)(1) and (4)(In addition to performing the calculation required to establish the ICLS, USAC also directed to “[c]ollect the funds necessary to provide support pursuant to this subpart. . .”).

the ICLS portion of the USF be altered. As Decatur resubmitted the 2007 Certification on July 27, 2007, the Company's request for waiver encompasses the July 1, 2007 through June 30, 2008 period, or as much of this period as the Commission determines Decatur is not otherwise eligible to receive ICLS based on the resubmission of its Certification in July 2007.

#### **IV. CONCLUSION**

For the reasons stated herein, Decatur respectfully submits that good cause has been shown for the grant of the requested waiver as set forth herein. The facts stated herein demonstrate that the reliance by Decatur on the U.S. mail was not negligent or careless, nor was the Company forgetful of its obligation to make the 2007 Certification submission by June 30, 2007. Moreover, the Company has now changed its practice to use either overnight delivery service or hand-delivery of its future ICLS certifications.

Based on the facts and circumstances reflected herein, Decatur respectfully submits that a grant of this waiver request will not harm any other carrier and will not alter the size of the USF in that Decatur anticipates that its information, submitted in March of this year, has already been included by USAC in sizing (and thus funding) the ICLS portion of the USF program for the period July 1, 2007 through June 30, 2008. A grant of the waiver will enable Decatur to receive ICLS disbursements for the 12 month period covered by the 2007 Certification consistent with the statutory goal of preserving and advancing universal service for the rural customers served by Decatur. This result is and will be consistent with the public interest.

Accordingly, Decatur respectfully requests that the Commission grant this request and accept Decatur's 2007 ICLS Certification effective June 30, 2007.

Respectfully submitted,

**Decatur Telephone Company**

By:



Thomas J. Moorman

Jessica W. Rhea

Woods & Aitken LLP

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Washington, D.C. 20007

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Its Attorneys

August 23, 2007



## **Attachment A**

**Data Provided to USAC for ICLS Purposes on 3/30/2007**

Study Area Code  
Study Area Name  
Settlement Type

280451  
DECATUR TEL CO -MS  
Average Schedule

**7/01/07 - 6/30/08 Test Period Data**

1 Common Line Settlement	\$275,646
2 End User Subscriber Line Charge (SLC) Revenue	\$159,406
3 End User ISDN Port Revenue	\$1,693
4 Special Access Surcharge Revenue	\$0
5 Long Term Support (LTS)	\$0
6 Interstate Common Line Support (ICLS)**	\$114,547

**\*\*Provided for informational purposes only - to be calculated by USAC.**

**Notes:**

Equivalency of current form to FCC Form 508:

Line 1 = Line 9 (Form 508); Line 2 = Line 10 (Form 508); Line 3 = Line 12 (Form 508);

Line 4 = Line 11 (Form 508); Line 5 = Line 13 (Form 508).

## **Attachment B**

**DECLARATION**

I, Esther B. Smith, Ph.D., Vice President of Decatur Telephone Company (the "Company"), do hereby declare under penalties of perjury that I have read the foregoing Petition for Waiver, and the information contained therein regarding the Company is true and accurate to the best of my knowledge, information, and belief.



Esther B. Smith  
Vice President

Date: 8-23-07

**DECLARATION**

I, Carla Clarke, Customer Service Representative of Decatur Telephone Company (the "Company"), do hereby declare under penalties of perjury that I have read the factual summary of the activities that I undertook for the mailing via U.S. mail of the Company's ICLS certification on June 15, 2007 as referenced in the foregoing Petition for Waiver, and the information contained therein regarding these activities is true and accurate to the best of my knowledge, information, and belief.



Carla Clarke

Customer Service Representative

Date: 08-23-07

## **Attachment C**

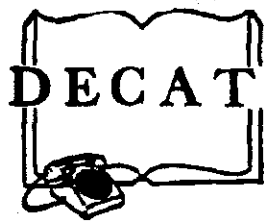


[HC Main](#) > Certification Checklists Search

## Certification Checklist Search Results

Study Area Name:	Decatur Tel. Co. Inc.
Study Area Code:	280451
State:	MS
Rural:	R
Type:	A
ICLS 2003 Received:	06/20/2003

[New Search](#)



# DECATUR TELEPHONE COMPANY

P. O. BOX 146 • DECATUR, MISSISSIPPI 39327

June 16, 2003

To: Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Irene M. Flannery  
Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2120 L Street, NW, Suite 600  
Washington, DC 20037

Re: *Interstate Common Line Support and Long Term Support*  
Annual Certification Filing  
CC Docket No. 96-45

This is to certify that Decatur Telephone Company will use its *Interstate Common Line Support and Long Term Support* only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
Decatur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Dr. Esther B. Smith

[Signature of Authorized Representative]

Date: 6/16/03

Esther B. Smith, PhD

[Printed Name of Authorized Representative]

Vice-President



*Growing To Serve You Better*





High Cost



[HC Main](#) > Certification Checklists Search

## Certification Checklist Search Results

Study Area Name:	Decatur Tel. Co. Inc.
Study Area Code:	280451
State:	MS
Rural:	R
Type:	A
ICLS 2004 Received:	06/16/2004

[New Search](#)

**Decatur Telephone Company**

P.O. Box 146  
Decatur, MS 39327

Tel: (601) 635-2251 Fax: (601) 635-3100

**June 2, 2004**

To: Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Irene M. Flannery  
Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2120 L Street, NW, Suite 600  
Washington, DC 20037

Re: *Interstate Common Line Support and Long Term Support*  
Annual Certification Filing  
CC Docket No. 96-45

This is to certify that Decatur Telephone Company will use its *Interstate Common Line Support and Long Term Support* only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
Decatur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Dr. Esther B. Smith  
[Signature of Authorized Representative]

Date: 6/2/04

Esther B. Smith, PhD  
[Printed Name of Authorized Representative]

Vice-President  
[Title of Authorized Representative]



High Cost



[HC Main](#) > Certification Checklists Search

## Certification Checklist Search Results

Study Area Name:	Decatur Tel. Co. Inc.
Study Area Code:	280451
State:	MS
Rural:	R
Type:	A
ICLS 2005 Received:	6/30/2005

[New Search](#)

**Decatur Telephone Company**

P.O. Box 146  
Decatur, MS 39327

Tel: (601) 635-2251 Fax: (601) 635-3100

**June 21, 2005**

To: Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Irene M. Flannery  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: *Interstate Common Line Support and Long Term Support*  
Annual Certification Filing  
CC Docket No. 96-45

This is to certify that Decatur Telephone Company will use its *Interstate Common Line Support and Long Term Support* only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
Decatur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Dr. Esther B. Smith  
[Signature of Authorized Representative]

Date: 6/21/05

Esther B. Smith, PhD  
[Printed Name of Authorized Representative]

Vice-President  
[Title of Authorized Representative]



[HC Main](#) > Certification Checklists Search

## Certification Checklist Search Results

Study Area Name:	Decatur Tel. Co. Inc.
Study Area Code:	280451
State:	MS
Rural:	R
Type:	A
ICLS 2006 Received:	6/06/2006

[New Search](#)

**Interstate Common Line Support (ICLS)**  
**2006 - 2007**

**ICLS**

Date 6/1/2006

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Common Line Support - ICLS**  
Annual Certification Filing

This is to certify that Decatur Telephone Co.  
will use its **INTERSTATE COMMON LINE SUPPORT - ICLS** only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area(s) listed below. (Please enter your Company Name, State and Study Area Code)

**ICLS**

Company Name	State	Study Area Code
Decatur Telephone Co.	MS	280451

(If necessary, attach a separate list of additional study areas and check this box) ☐

Signed,

Dr. Esther B. Smith  
[Signature of Authorized Representative]

Date: 6/1/2006

Esther B. Smith, Phd.  
[Printed Name of Authorized Representative]

Vice-President  
[Title of Authorized Representative]

Carrier's Name: Decatur Telephone Co,  
Carrier's Address: P. O. Box 146, Decatur, MS 39327  
Carrier's Telephone Number: 601 635-2251

                      
Date Received  
(For official use only)

USAC

## **Attachment D**

**Interstate Common Line Support (ICLS)  
2007 - 2008**

Date: June 15, 2007

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 06-45  
Interstate Common Line Support - ICLS  
Annual Certification Filing

**ICLS**

RECEIVED  
JUN 15 2007

NECA-ATLANTA

This is to certify that DeCATur Telephone Company  
will use its INTERSTATE COMMON LINE SUPPORT - ICLS only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area(s) listed below. (Please enter your Company Name, State and Study Area Code)

ICLS		
Company Name	State	Study Area Code
DeCATur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,

E. Esther B. Smith  
[Signature of Authorized Representative]

Date: June 15, 2007

Esther B. Smith, PhD

[Printed Name of Authorized Representative]

Vice-President

[Title of Authorized Representative]

Carrier's Name: DeCATur Telephone Company  
Carrier's Address: P.O. Box 146, DeCATur, MS 39327  
Carrier's Telephone Number: 601-535-2251

Date Received  
(For official use only)

USAC



**Attachment E**

**Esther Smith**

---

**From:** "HC Info" <hcinfo@usac.org>  
**To:** "HC Info" <hcinfo@usac.org>  
**Sent:** Friday, June 29, 2007 12:48 PM  
**Subject:** ICLS Certification Reminder

As of the time of this mailing, USAC has not yet received certification for a study area for which you are listed as a contact. If you've already submitted it and it is en route, please disregard this message.

You may fax a copy in before the deadline, but please follow up with an original, signed copy to the addresses below. The fax number is 202 776 0080.

Regards,  
 High Cost Program Management

### ICLS Annual Self-Certifications are Due July 2, 2007\*

Each rate-of-return carrier, and CETCs serving lines in the service area of a rate-of-return carrier, must file an annual self-certification by July 2, 2007 in order to receive Interstate Common Line Support (ICLS) for the upcoming program year, which runs from July 1, 2007 to June 30, 2008.

The annual ICLS self-certification may be filed in the form of a letter from an authorized representative for the carrier and must be filed with the Universal Service Administrative Company (USAC) and the Federal Communications Commission (FCC). It must state that all ICLS provided will be used **ONLY** for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

An ICLS self-certification sample letter can be found on the USAC High Cost page, under High Cost Tools: Required Forms. In the event you provide an ICLS certification in your own format, please be sure to reference CC Docket No. 96-45 and file the self-certification with both USAC and the Office of the Secretary of the FCC at the following addresses:

Karen A. Majcher Vice President, High Cost & Low Income Universal Service Administrative Company 2000 L Street, NW, Suite 200 Washington, DC 20036	Marlene H. Dortch Office of the Secretary Federal Communications Commission 445 12th Street, SW Washington, DC 20554
--	--

Once you have submitted your self-certification to USAC, you may check our Certifications Page to see if we have received your self-certification. If your ICLS self-certification is filed late, absent a waiver from the FCC you will be eligible for ICLS support as follows:

- If filed by October 1, 2007\*, a carrier will only be eligible for support in the first and second quarters of 2008
- If filed by December 31, 2007, a carrier will only be eligible for support in the second quarter of 2008
- After December 31, 2007, a carrier is not eligible for any ICLS for the program year

If you have additional questions, please contact USAC's customer service center at 877-877-4925.

## **Attachment F**

**DECATUR TELEPHONE CO, INC.**

P.O. Box 146  
Decatur, MS 39327

Tel: (601) 635-2251 Fax: (601) 635-3100

Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445-12<sup>th</sup> Street SW  
Washington, DC 20554

July 27, 2007

Re: CC Docket No. 96-45  
Interstate Common Line Support - ICLS  
Annual Certification Filing

At NECA's request, Decatur Telephone Co. (SAC-280451) is resubmitting its 2007 ICLS Annual Certification. The original of which was apparently not delivered by the U.S. Postal Service.

Decatur Telephone Co. respectfully asks that this inadvertent, unintentional and unexpected happenstance not reflect negatively on the company's receipt of needed and necessary ICLS funding for its rural community.

Decatur Telephone Co. is not a start up CLEC with no reporting track record. Decatur Telephone Co. is not a new CMRS provider with a wildly fluctuating subscriber base. Decatur Telephone Co. is an incumbent local exchange carrier (ILEC) with sixty (60) plus years of quality service to its rural community. It has faithfully fulfilled all ICLS reporting and compliance requirements since they were first implemented in 2002. For this current filing period - deadline June 30, 2007 - the company had, in fact, completed all the necessary on-line data collection requirements, mailed its certification letters to USAC and the FCC and had, additionally, Faxed copies of these letters to the NECA Southern Region Office on or before June 15, 2007.

To have the company denied ICLS funds due to an unfortunate failure of the postal service would seem unduly harsh in light of the existing corroborating evidence that they had otherwise complied with all actions required of them. Denial of these funds to a rural community that is dependent on quality communications services would not seem in keeping with the spirit of Universal Service.

Thank you for your consideration in this matter.

Sincerely,

*J Kevin Curry*

J. Kevin Curry, CPA

**Interstate Common Line Support (ICLS)**  
**2007 - 2008**

**ICLS**

Date June 15, 2007

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Common Line Support - ICLS**  
Annual Certification Filing

This is to certify that Decatur Telephone Company  
will use its **INTERSTATE COMMON LINE SUPPORT - ICLS** only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area(s) listed below. (Please enter your Company Name, State and Study Area Code)

**ICLS**

Company Name	State	Study Area Code
Decatur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,

Dr. Esther B. Smith  
[Signature of Authorized Representative]

Date: June 15, 2007

Esther B. Smith, PhD  
[Printed Name of Authorized Representative]

Vice-President  
[Title of Authorized Representative]

Carrier's Name: Decatur Telephone Company  
Carrier's Address: P.O. Box 146, Decatur, MS 39327  
Carrier's Telephone Number: 601-635-2251

**Date Received**  
(For official use only)

USAC

**DECATUR TELEPHONE CO, INC.**

P.O. Box 146

Decatur, MS 39327

Tel: (601) 635-2251 Fax: (601) 635-3100

Karen Majcher

July 27, 2007

Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
Interstate Common Line Support – ICLS  
Annual Certification Filing

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Thank you for your consideration in this matter.

Sincerely,



J. Kevin Curry, CPA

**Interstate Common Line Support (ICLS)**  
**2007 - 2008**

**ICLS**

Date June 15, 2007

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Common Line Support - ICLS**  
Annual Certification Filing

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**ICLS**

Company Name	State	Study Area Code
Decatur Telephone Company	MS	280451

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,

Dr. Esther B. Smith  
[Signature of Authorized Representative]

Date: June 15, 2007

Esther B. Smith, PhD  
[Printed Name of Authorized Representative]

Vice-President  
[Title of Authorized Representative]

Carrier's Name: Decatur Telephone Company  
Carrier's Address: P.O. Box 146, Decatur, MS 39327  
Carrier's Telephone Number: 601-635-2251

\_\_\_\_\_  
**Date Received**  
(For official use only)

USAC